

SENATE BILL NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR WILSON BY REQUEST

Introduced: 3/3/17

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to care of juveniles and to juvenile justice; relating to employment of**
2 **juvenile probation officers by the Department of Health and Social Services; relating to**
3 **terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect;**
4 **relating to adjudication of minor delinquency and the deoxyribonucleic acid**
5 **identification registration system; relating to sexual assault in the third degree; relating**
6 **to sexual assault in the fourth degree; and providing for an effective date."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 09.65.255(b) is amended to read:

9 (b) A state agency or its agents, including a person working in or responsible
10 for the operation of a foster home, receiving facility, [OR] detention facility [HOME],
11 or children's institution, is not liable for the acts of unemancipated minors in its charge
12 or custody. A state agency or an agent of a state agency, including a nonprofit
13 corporation that designates shelters for runaways under AS 47.10.392 - 47.10.399 and

employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399.

* **Sec. 2.** AS 11.41.425(b)(2) is amended to read:

(2) "juvenile probation officer" means an officer described in AS 47.12.270 [A PERSON ASSIGNED TO SUPERVISE ANOTHER PERSON 18 OR 19 YEARS OF AGE WHO IS COMMITTED TO THE PROBATIONARY SUPERVISION OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES];

* **Sec. 3.** AS 11.41.427(b)(2) is amended to read:

(2) "juvenile probation officer" means an officer described in AS 47.12.270 [has the meaning given in AS 11.41.425];

* **Sec. 4.** AS 11.41.470(3) is amended to read:

(3) "legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 as a result of a court order, statute, or regulation, and includes Department of Health and Social Services employees, foster parents, and staff members and other employees of group homes or youth facilities where the minor or other person is placed as a result of a court order or the action of the Department of Health and Social Services, and police officers, juvenile and adult probation officers, and social workers when those persons are exercising custodial control over a minor or other person;

* **Sec. 5.** AS 11.41.470(5) is amended to read:

(5) "position of authority" means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position, and a police officer or juvenile and adult probation officer other than when the officer is exercising custodial control over a minor;

* **Sec. 6.** AS 11.56.760(a) is amended to read:

(a) A person commits the crime of violating an order to submit to DNA testing if, when requested by a health care professional acting on behalf of the state to provide a blood sample, oral sample, or both, or when requested by a juvenile or adult

1 correctional, probation, or parole officer or a peace officer to provide an oral sample,
2 the person refuses to provide the sample or samples and the person

3 (1) has been ordered to submit to DNA testing as part of a sentence
4 imposed under AS 12.55.015;

5 (2) has been convicted of **or adjudicated delinquent for** an offense
6 that requires DNA testing under the provisions of AS 44.41.035; or

7 (3) is required to register as a sex offender or child kidnapper under
8 AS 12.63.

9 * **Sec. 7.** AS 11.61.123(e) is amended to read:

10 (e) In this section,

11 (1) "picture" means a film, photograph, negative, slide, book,
12 newspaper, or magazine, whether in print, electronic, magnetic, or digital format; and

13 (2) "private exposure" means that a person has exposed the person's
14 body or part of the body in a place, and under circumstances, that the person
15 reasonably believed would not result in the person's body or body parts being (A)
16 viewed by the defendant; or (B) produced in a picture; "private exposure" does not
17 include the exposure of a person's body or body parts in a law enforcement facility,
18 correctional facility, designated treatment facility, **juvenile treatment facility,** or a
19 juvenile detention facility; in this paragraph, "correctional facility" has the meaning
20 given in AS 33.30.901, "designated treatment facility" has the meaning given in
21 AS 47.30.915, and "juvenile detention facility" **and "juvenile treatment facility"**
22 **have** [HAS] the meaning given in AS 47.12.990.

23 * **Sec. 8.** AS 14.07.020(a) is amended to read:

24 (a) The department shall

25 (1) exercise general supervision over the public schools of the state
26 except the University of Alaska;

27 (2) study the conditions and needs of the public schools of the state,
28 adopt or recommend plans, administer and evaluate grants to improve school
29 performance awarded under AS 14.03.125, and adopt regulations for the improvement
30 of the public schools; the department may consult with the University of Alaska to
31 develop secondary education requirements to improve student achievement in college

1 preparatory courses;

2 (3) provide advisory and consultative services to all public school
3 governing bodies and personnel;

4 (4) prescribe by regulation a minimum course of study for the public
5 schools; the regulations must provide that, if a course in American Sign Language is
6 given, the course shall be given credit as a course in a foreign language;

7 (5) establish, in coordination with the Department of Health and Social
8 Services, a program for the continuing education of children who are held in juvenile
9 detention or treatment facilities in the state during the period of detention or
10 treatment;

11 (6) accredit those public schools that meet accreditation standards
12 prescribed by regulation by the department; these regulations shall be adopted by the
13 department and presented to the legislature during the first 10 days of any regular
14 session, and become effective 45 days after presentation or at the end of the session,
15 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
16 the members of each house;

17 (7) prescribe by regulation, after consultation with the state fire
18 marshal and the state sanitarian, standards that will ensure healthful and safe
19 conditions in the public and private schools of the state, including a requirement of
20 physical examinations and immunizations in pre-elementary schools; the standards for
21 private schools may not be more stringent than those for public schools;

22 (8) exercise general supervision over pre-elementary schools that
23 receive direct state or federal funding;

24 (9) exercise general supervision over elementary and secondary
25 correspondence study programs offered by municipal school districts or regional
26 educational attendance areas; the department may also offer and make available to any
27 Alaskan through a centralized office a correspondence study program;

28 (10) accredit private schools that request accreditation and that meet
29 accreditation standards prescribed by regulation by the department; nothing in this
30 paragraph authorizes the department to require religious or other private schools to be
31 licensed;

1 (11) review plans for construction of new public elementary and
2 secondary schools and for additions to and major rehabilitation of existing public
3 elementary and secondary schools and, in accordance with regulations adopted by the
4 department, determine and approve the extent of eligibility for state aid of a school
5 construction or major maintenance project; for the purposes of this paragraph, "plans"
6 include educational specifications, schematic designs, projected energy consumption
7 and costs, and final contract documents;

8 (12) provide educational opportunities in the areas of vocational
9 education and training, and basic education to individuals over 16 years of age who
10 are no longer attending school; the department may consult with businesses and labor
11 unions to develop a program to prepare students for apprenticeships or internships that
12 will lead to employment opportunities;

13 (13) administer the grants awarded under AS 14.11;

14 (14) establish, in coordination with the Department of Public Safety, a
15 school bus driver training course;

16 (15) require the reporting of information relating to school disciplinary
17 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
18 behavior;

19 (16) establish by regulation criteria, based on low student performance,
20 under which the department may intervene in a school district to improve instructional
21 practices, as described in AS 14.07.030(14) or (15); the regulations must include

22 (A) a notice provision that alerts the district to the deficiencies
23 and the instructional practice changes proposed by the department;

24 (B) an end date for departmental intervention, as described in
25 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
26 consecutive years of improvement consisting of not less than two percent
27 increases in student proficiency on standards-based assessments in language
28 arts and mathematics, as provided in AS 14.03.123(f)(1)(A); and

29 (C) a process for districts to petition the department for
30 continuing or discontinuing the department's intervention;

31 (17) notify the legislative committees having jurisdiction over

1 education before intervening in a school district under AS 14.07.030(14) or redirecting
2 public school funding under AS 14.07.030(15).

3 * **Sec. 9.** AS 14.30.186(a) is amended to read:

4 (a) Special education and related services shall be provided by

5 (1) a borough or city school district for a child with a disability
6 residing within the district;

7 (2) the board of a regional educational attendance area operating a
8 school in the area for a child with a disability residing in the area served by the school;

9 (3) the borough, city school district, or regional educational attendance
10 area in which a **juvenile detention or** treatment facility or a correctional [OR YOUTH
11 DETENTION] facility is located for a child with a disability placed at the facility;

12 (4) a state boarding school established under AS 14.16 for a child with
13 a disability enrolled at a state boarding school; or

14 (5) a school district that provides a statewide correspondence study
15 program for a child with a disability who is enrolled in the program.

16 * **Sec. 10.** AS 17.37.070(6) is amended to read:

17 (6) "facility monitored by the department or the Department of
18 Administration" means an institution, building, office, or home operated by the
19 department or the Department of Administration, funded by the department or the
20 Department of Administration, under contract with the department or the Department
21 of Administration, inspected by the department or the Department of Administration,
22 designated by the department or the Department of Administration, or licensed by the
23 department or the Department of Administration, for the care of

24 (A) juveniles; for the purposes of this subparagraph,
25 "institution" includes a foster home and a group home, and a juvenile detention
26 facility, **a treatment institution** [A JUVENILE DETENTION HOME, A
27 JUVENILE WORK CAMP], and a **juvenile** treatment facility, as those terms
28 are defined in AS 47.12.990;

29 (B) the elderly; for the purposes of this subparagraph,
30 "institution" includes

31 (i) an assisted living home as defined in AS 47.33.990;

1 and

2 (ii) the Alaska Pioneers' Home or the Alaska Veterans'
3 Home, operated under AS 47.55;

4 (C) the mentally ill; for the purposes of this subparagraph,
5 "institution" includes a designated treatment facility and an evaluation facility,
6 as those terms are defined in AS 47.30.915;

7 * **Sec. 11.** AS 18.20.499(2) is amended to read:

8 (2) "health care facility" means a private, municipal, or state hospital;
9 independent diagnostic testing facility; primary care outpatient facility; skilled nursing
10 facility; kidney disease treatment center, including freestanding hemodialysis units;
11 intermediate care facility; ambulatory surgical facility; Alaska Pioneers' Home or
12 Alaska Veterans' Home administered by the Department of Health and Social Services
13 under AS 47.55; correctional facility owned or administered by the state; private,
14 municipal, or state facility employing one or more public health nurses; long-term care
15 facility; psychiatric hospital; residential psychiatric treatment center, as defined in
16 AS 18.07.111 or AS 47.32.900; secure residential psychiatric treatment center under
17 AS 47.12.990; juvenile detention facility; **juvenile treatment facility**; [JUVENILE
18 DETENTION HOME, JUVENILE WORK CAMP,] or treatment **institution**
19 [FACILITY] as defined in AS 47.12.990;

20 * **Sec. 12.** AS 47.10.141(c) is amended to read:

21 (c) A minor may be taken into emergency protective custody by a peace
22 officer and placed into temporary detention in a juvenile detention **facility** [HOME] in
23 the local community if there has been an order issued by a court under a finding of
24 probable cause that (1) the minor is a runaway in wilful violation of a valid court order
25 issued under AS 47.10.080(c)(1), 47.10.142(f), AS 47.12.120(b)(1) or (3), or
26 47.12.250(d), (2) the minor's current situation poses a severe and imminent risk to the
27 minor's life or safety, and (3) no reasonable placement alternative exists within the
28 community. A minor detained under this subsection shall be brought before a court on
29 the day the minor is detained, or if that is not possible, within 24 hours after the
30 detention for a hearing to determine the most appropriate placement in the best
31 interests of the minor. A minor taken into emergency protective custody under this

subsection may not be detained for more than 24 hours, except as provided under AS 47.12.250. Emergency protective custody may not include placement of a minor in an adult correctional facility, an adult [A] jail or a temporary secure juvenile holding area [SECURE FACILITY OTHER THAN A JUVENILE DETENTION HOME], nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

* **Sec. 13.** AS 47.10.141(j) is amended by adding a new paragraph to read:

(3) "temporary secure juvenile holding area" has the meaning given in AS 47.12.990.

* **Sec. 14.** AS 47.10.990(20) is amended to read:

(20) "juvenile detention facility [HOME]" is a separate establishment, exclusively devoted to the detention of minors on a short-term basis and not a part of an adult jail;

* **Sec. 15.** AS 47.12.025(c) is amended to read:

(c) If a person who is subject to the jurisdiction of this chapter due solely to AS 47.12.020(b) has been arrested by a peace officer or a juvenile probation officer under AS 47.12.245, detained under AS 47.12.250, or committed to the custody or supervision of the department under AS 47.12.120(b) or 47.12.240, the department, after consulting the peace officer or juvenile probation officer if appropriate, shall make arrangements for the detention, placement, or supervision of the person. In the discretion of the department, the person may be detained or placed in a juvenile detention or treatment facility, temporary secure juvenile holding area, or in an adult correctional facility.

* **Sec. 16.** AS 47.12.120(b) is amended to read:

(b) If the minor is not subject to (j) of this section and the court finds that the minor is delinquent, it shall

(1) order the minor committed to the department for a period of time not to exceed two years or in any event extend past the day the minor becomes 19 years of age, except that the department may petition for and the court may grant in a hearing (A) two-year extensions of commitment that do not extend beyond the minor's 19th birthday if the extension is in the best interests of the minor and the public; and

1 (B) an additional one-year period of supervision past age 19 if continued supervision
2 is in the best interests of the person and the person consents to it; the department shall
3 place the minor in the juvenile facility that the department considers appropriate and
4 that may include a juvenile [CORRECTIONAL SCHOOL, JUVENILE WORK
5 CAMP,] treatment facility, treatment institution [DETENTION HOME], or juvenile
6 detention facility; the minor may be released from placement or detention and placed
7 on probation on order of the court and may also be released by the department, in its
8 discretion, under AS 47.12.260;

9 (2) order the minor placed on probation, to be supervised by the
10 department, and released to the minor's parents, guardian, or a suitable person; if the
11 court orders the minor placed on probation, it may specify the terms and conditions of
12 probation; the probation may be for a period of time not to exceed two years and in no
13 event to extend past the day the minor becomes 19 years of age, except that the
14 department may petition for and the court may grant in a hearing

15 (A) two-year extensions of supervision that do not extend
16 beyond the minor's 19th birthday if the extension is in the best interests of the
17 minor and the public; and

18 (B) an additional one-year period of supervision past age 19 if
19 the continued supervision is in the best interests of the person and the person
20 consents to it;

21 (3) order the minor committed to the custody of the department and
22 placed on probation, to be supervised by the department and released to the minor's
23 parents, guardian, other suitable person, or suitable nondetention setting such as with a
24 relative or in a foster home or residential child care facility, whichever the department
25 considers appropriate to implement the treatment plan of the predisposition report; if
26 the court orders the minor placed on probation, it may specify the terms and conditions
27 of probation; the department may transfer the minor, in the minor's best interests, from
28 one of the probationary placement settings listed in this paragraph to another, and the
29 minor, the minor's parents or guardian, the minor's foster parent, and the minor's
30 attorney are entitled to reasonable notice of the transfer; the probation may be for a
31 period of time not to exceed two years and in no event to extend past the day the

1 minor becomes 19 years of age, except that the department may petition for and the
2 court may grant in a hearing

3 (A) two-year extensions of commitment that do not extend
4 beyond the minor's 19th birthday if the extension is in the best interests of the
5 minor and the public; and

6 (B) an additional one-year period of supervision past age 19 if
7 the continued supervision is in the best interests of the person and the person
8 consents to it;

9 (4) order the minor and the minor's parent to make suitable restitution
10 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;
11 under this paragraph,

12 (A) except as provided in (B) of this paragraph, the court may
13 not refuse to make an order of restitution to benefit the victim of the act of the
14 minor that is the basis of the delinquency adjudication; under this
15 subparagraph, the court may require the minor to use the services of a
16 community dispute resolution center that has been recognized by the
17 commissioner under AS 47.12.450(b) to resolve any dispute between the minor
18 and the victim of the minor's offense as to the amount of or manner of payment
19 of the restitution;

20 (B) the court may not order payment of restitution by the parent
21 of a minor who is a runaway or missing minor for an act of the minor that was
22 committed by the minor after the parent has made a report to a law
23 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
24 away or is missing; for purposes of this subparagraph, "runaway or missing
25 minor" means a minor who a parent reasonably believes is absent from the
26 minor's residence for the purpose of evading the parent or who is otherwise
27 missing from the minor's usual place of abode without the consent of the
28 parent; and

29 (C) at the request of the department, the Department of Law,
30 the victims' advocate, or on its own motion, the court shall, at any time, order
31 the minor and the minor's parent, if applicable, to submit financial information

on a form approved by the Alaska Court System to the court, the department, and the Department of Law for the purpose of establishing the amount of restitution or enforcing an order of restitution under AS 47.12.170; the form must include a warning that submission of incomplete or inaccurate information is punishable as unsworn falsification in the second degree under AS 11.56.210;

(5) order the minor committed to the department for placement in an adventure-based education program established under AS 47.21.020 with conditions the court considers appropriate concerning release upon satisfactory completion of the program or commitment under (1) of this subsection if the program is not satisfactorily completed;

(6) in addition to an order under (1) - (5) of this subsection, order the minor to perform community service; for purposes of this paragraph, "community service" includes work

(A) on a project identified in AS 33.30.901; or

(B) that, on the recommendation of the city council or traditional village council, would benefit persons within the city or village who are elderly or disabled; or

(7) in addition to an order under (1) - (6) of this subsection, order the minor's parent or guardian to comply with orders made under AS 47.12.155, including participation in treatment under AS 47.12.155(b)(1).

* **Sec. 17.** AS 47.12.120 is amended by adding a new subsection to read:

(l) The court shall order a minor who is adjudicated as a delinquent in this state for an act committed when the minor was 16 years of age or older that would be a crime against a person or a felony under AS 11 or AS 28.35 if committed by an adult or for an act that would violate a law or ordinance with elements similar to a crime against a person or a felony under AS 11 or AS 28.35 if committed by an adult to submit to the collection of a blood sample, oral sample, or both for the deoxyribonucleic acid identification registration system under AS 44.41.035. The minor shall submit to the collection of

(1) the sample or samples when requested by a health care professional

1 acting on behalf of the state to provide the sample or samples; or

2 (2) an oral sample when requested by a juvenile probation officer,
3 juvenile facility staff, or peace officer.

4 * **Sec. 18.** AS 47.12.240(a) is amended to read:

5 (a) When **a minor is in official detention pending the filing of a petition**
6 **with the court seeking adjudication of the minor as a delinquent minor or** the
7 court commits a minor to the custody of the department, the department shall arrange
8 to place the minor in a **juvenile detention facility, temporary secure juvenile**
9 **holding area** [DETENTION HOME, WORK CAMP], or another suitable place that
10 the department designates for that purpose. Except **under the conditions described in**
11 **[WHEN DETENTION IN A CORRECTIONAL FACILITY IS AUTHORIZED BY]**
12 (c) of this section, the minor may not be incarcerated in a correctional facility that
13 houses adult prisoners.

14 * **Sec. 19.** AS 47.12.240(c) is amended to read:

15 (c) Notwithstanding (a) of this section, a minor may be incarcerated in **an**
16 **adult** [A] correctional facility, **an adult jail, or a temporary secure juvenile holding**
17 **area only if the minor is not in sight or sound of adult prisoners, and one of the**
18 **following applies:**

19 (1) [IF] the minor is the subject of a petition filed with the court under
20 this chapter seeking adjudication of the minor as a delinquent minor or [IF] the minor
21 is in official detention pending the filing of that petition; however, detention in **an**
22 **adult** [A] correctional facility, **an adult jail, or a temporary secure juvenile holding**
23 **area** under this paragraph may not exceed the lesser of

24 (A) six hours, except under the criteria listed in (e) of this
25 section; or

26 (B) the time necessary to arrange the minor's transportation to a
27 juvenile detention **facility** [HOME] or comparable facility for the detention of
28 minors;

29 (2) [IF,] in response to a petition of delinquency filed under this
30 chapter, the court has entered an order closing the case under AS 47.12.100(a),
31 allowing the minor to be prosecuted as an adult; or

(3) [IF] the minor is at least 16 years of age and the court has entered an order under AS 47.12.160(e) imposing an adult sentence and transferring custody of the minor to the Department of Corrections.

* **Sec. 20.** AS 47.12.245(b) is amended to read:

(b) A juvenile probation officer may arrest a minor if the juvenile probation officer has probable cause to believe that the minor has violated conditions of the minor's release or probation.

* **Sec. 21.** AS 47.12.250(a) is amended to read:

(a) A peace officer or a juvenile probation officer who has arrested, or a peace officer who has continued the arrest of, a minor under AS 47.12.245 may

(1) have the minor detained in a juvenile detention facility or temporary secure juvenile holding area if, in the opinion of the peace officer making or continuing the arrest, it is necessary to do so to protect the minor or the community; however, the department may direct that a minor who was arrested or whose arrest was continued be released from detention before the hearing required by (c) of this section;

(2) before taking the minor to a juvenile detention facility or temporary secure juvenile holding area, release the minor to the minor's parents or guardian if detention is not necessary to

(A) protect the minor or the community; or

(B) ensure the minor's attendance at subsequent court hearings.

* **Sec. 22.** AS 47.12.270 is repealed and reenacted to read:

Sec. 47.12.270. Juvenile probation officers. (a) The department shall employ juvenile probation officers. A juvenile probation officer shall exercise the duties of a probation officer and shall prepare preliminary investigations and assist and advise the court in the furtherance of the welfare and control of a minor under the court's jurisdiction. A juvenile probation officer shall also carry out other duties in the care and treatment of minors that are consistent with the intent of this chapter.

(b) A juvenile probation officer has the powers of a peace officer with respect to the service of process and arresting a minor when

(1) a court has issued an arrest warrant;

(2) there is probable cause to believe the minor has violated conditions of release or probation; or

(3) probable cause exists for believing that the minor has escaped from or unlawfully evaded a placement made under AS 47.12.120(b)(1).

* **Sec. 23.** AS 47.12.310(d) is amended to read:

(d) Upon request of a victim, the department shall make every reasonable effort to notify the victim as soon as practicable, by telephone or in writing, when a delinquent minor is to be released from placement [IN A JUVENILE FACILITY] under AS 47.12.120(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

* **Sec. 24.** AS 47.12.315(c) is amended to read:

(c) When required by this section to disclose information, the department may disclose only the name of the minor, the name of each legal parent or guardian, the specific offense **for which the minor was adjudicated delinquent** [ALLEGED TO HAVE BEEN COMMITTED IN THE PETITION], and the final outcome of the court proceedings relating to the offense. Before the disclosure, the department shall delete the information that identifies the victim of the offense.

* **Sec. 25.** AS 47.12.990(7) is amended to read:

(7) "juvenile detention facility" means **a separate establishment exclusively devoted to** [SEPARATE QUARTERS WITHIN A CITY JAIL USED FOR] the detention of delinquent minors **on a short-term basis and not a part of an adult jail;**

* **Sec. 26.** AS 47.12.990(12) is amended to read:

(12) "minor" means a person **who is**

(A) under 18 years of age at the time the person commits an offense; and

(B) subject to the jurisdiction of the court under this chapter;

* **Sec. 27.** AS 47.12.990(15) is amended to read:

(15) "treatment institution [FACILITY]" means a hospital, clinic, institution, center, or other health care facility that has been designated by the department for the treatment of juveniles;

* **Sec. 28.** AS 47.12.990 is amended by adding new paragraphs to read:

(17) "juvenile probation officer" means an officer described in AS 47.12.270;

(18) "juvenile treatment facility" means a secure facility for treatment of minors adjudicated delinquent and committed by a court to the care and custody of the department under AS 47.12.120(b)(1);

(19) "temporary secure juvenile holding area" means separate quarters that are used for the temporary detention of delinquent minors pending a court order or transportation to a juvenile detention facility and that are not within sight or sound of any adult prisoners.

* **Sec. 29.** AS 47.14.010 is amended to read:

Sec. 47.14.010. General powers of department over juvenile institutions.

The department may

(1) purchase, lease, or construct buildings or other facilities for the care, detention, rehabilitation, and education of children in need of aid or delinquent minors;

(2) adopt plans for construction of juvenile detention facilities [HOMES, JUVENILE WORK CAMPS], juvenile treatment [DETENTION] facilities, and other juvenile institutions;

(3) adopt standards and regulations for the design, construction, repair, maintenance, and operation of all juvenile detention facilities, juvenile treatment [HOMES, WORK CAMPS,] facilities, and institutions;

(4) inspect periodically each juvenile detention facility, juvenile treatment [HOME, WORK CAMP,] facility, or other institution to ensure that the standards and regulations adopted are being maintained;

(5) reimburse communities [CITIES] maintaining and operating juvenile detention [HOMES, WORK CAMPS, AND] facilities;

(6) enter into contracts and arrangements with cities and state and

1 federal agencies to carry out the purposes of AS 47.10, AS 47.12, and this chapter;

2 (7) do all acts necessary to carry out the purposes of AS 47.10,
3 AS 47.12, and this chapter;

4 (8) adopt the regulations necessary to carry out AS 47.10, AS 47.12,
5 and this chapter;

6 (9) accept donations, gifts, or bequests of money or other property for
7 use in construction of juvenile facilities, juvenile treatment [HOMES, WORK
8 CAMPS], institutions, or juvenile treatment [DETENTION] facilities;

9 (10) operate juvenile detention facilities [HOMES] when
10 municipalities are unable to do so;

11 (11) receive, care for, and place in a juvenile detention facility
12 [HOME], the minor's own home, a foster home, [OR] a juvenile treatment facility
13 [CORRECTIONAL SCHOOL, WORK CAMP], or treatment institution all minors
14 committed to its custody under AS 47.10, AS 47.12, and this chapter.

15 * **Sec. 30.** AS 47.14.020 is amended to read:

16 **Sec. 47.14.020. Duties of department.** The department shall

17 (1) accept all minors committed to the custody of the department and
18 all minors who are involved in a written agreement under AS 47.14.100(c), and
19 provide for the welfare, control, care, custody, and placement of these minors in
20 accordance with this chapter;

21 (2) require and collect statistics on juvenile offenses and offenders in
22 the state;

23 (3) conduct studies and prepare findings and recommendations on the
24 need, number, type, construction, maintenance, and operating costs of juvenile
25 detention facilities and juvenile treatment [HOMES, WORK CAMPS,] facilities,
26 and the other institutions, and adopt and submit a plan for construction of the
27 [HOMES, WORK CAMPS,] facilities [,] and institutions when needed, together with
28 a plan for financing the construction programs;

29 (4) examine, where possible, all facilities, institutions, [WORK
30 CAMPS,] and places of juvenile detention and treatment in the state and inquire into
31 their methods and the management of juveniles in them.

1 * **Sec. 31.** AS 47.14.040(a) is amended to read:

2 (a) A **community or entity** [CITY] may maintain and operate a **temporary**
 3 **secure juvenile holding area** [JUVENILE DETENTION FACILITY], and a
 4 **community** [CITY] or a nonprofit corporation may maintain and operate a juvenile
 5 detention **or treatment facility** [HOME OR A JUVENILE WORK CAMP].

6 * **Sec. 32.** AS 47.14.050(a) is repealed and reenacted to read:

7 (a) The department shall adopt standards and regulations for the operation of
 8 juvenile detention facilities and juvenile treatment facilities in the state.

9 * **Sec. 33.** AS 47.14.990(7) is amended to read:

10 (7) "juvenile detention facility" **has the meaning given in**
 11 **AS 47.12.990** [MEANS SEPARATE QUARTERS WITHIN A CITY JAIL USED
 12 FOR THE DETENTION OF DELINQUENT MINORS];

13 * **Sec. 34.** AS 47.14.990(10) is amended to read:

14 (10) "minor" **has the meaning given in AS 47.12.990** [MEANS A
 15 PERSON UNDER 18 YEARS OF AGE];

16 * **Sec. 35.** AS 47.14.990 is amended by adding new paragraphs to read:

17 (12) "juvenile probation officer" means an officer described in
 18 AS 47.12.270;

19 (13) "juvenile treatment facility" has the meaning given in
 20 AS 47.12.990;

21 (14) "temporary secure juvenile holding area" has the meaning given
 22 in AS 47.12.990.

23 * **Sec. 36.** AS 47.17.020(a), as amended by sec. 20, ch. 2, SSSLA 2015, is amended to read:

24 (a) The following persons who, in the performance of their occupational
 25 duties, their appointed duties under (8) of this subsection, or their volunteer duties
 26 under (9) of this subsection, have reasonable cause to suspect that a child has suffered
 27 harm as a result of child abuse or neglect shall immediately report the harm to the
 28 nearest office of the department:

29 (1) practitioners of the healing arts;

30 (2) school teachers and school administrative staff members, including
 31 athletic coaches, of public and private schools;

- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300;
- (9) volunteers who interact with children in a public or private school for more than four hours a week;

(10) juvenile probation officers, juvenile probation office staff, and staff of juvenile detention and treatment facilities.

* **Sec. 37.** AS 47.12.990(8), 47.12.990(9); AS 47.14.990(8), and 47.14.990(9) are repealed.

* **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Health and Social Services may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant provision of this Act implemented by the regulation.

* **Sec. 39.** Section 36 of this Act takes effect on the effective date of sec. 20, ch. 2, SSSLA 2015.

* **Sec. 40.** Section 38 of this Act takes effect immediately under AS 01.10.070(c).